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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,302	08/04/2003	John B. Howard	077943-0166	3432

22428 7590 08/10/2005

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

PHAN, DAO LINDA

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,302

Applicant(s)

HOWARD, JOHN B.

Examiner

Dao L. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-97 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17,27-48,50-52 and 76-97 is/are allowed.
- 6) ☒ Claim(s) 1-16,18-26 and 53-75 is/are rejected.
- 7) ☒ Claim(s) 49 and 53 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Claim 49, 53 are objected to because of the following informalities:

As to claim 53, line 3, "filed" is misspelled. Appropriate correction is required.

As to claim 49, "(Withdrawn)" is incorrect. It appears that status of identifier should be original.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-16, 18-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Neymann (US 2005/0029343) or Beenau et al (US 2005/0116810) or Burger et al (US 2005/0108096).

Neymann teaches an intelligent label including a radio frequency transponder (paragraph 0002) coupled to a fingerprint sensor system, and a thin sheeted substrate 1, the radio frequency transponder (paragraph 0002) and the fingerprint sensor system (paragraph 0011+) being attached to the substrate 1.

Beenau et al teach an intelligent label including a radio frequency transponder 114 coupled to a fingerprint sensor system, and a thin sheeted substrate 102, the radio frequency transponder 114 and the fingerprint sensor system 904 being attached to the substrate 102.

Burger et al teach an intelligent label including a radio frequency transponder 204 coupled to a fingerprint sensor system, and a thin sheeted substrate 102, the radio frequency transponder 204 and the fingerprint sensor system 220 being attached to the substrate 102.

4. Claims 1-16, 18-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmitt et al (Pat. No. 5,903,225).

Schmitt et al teach an intelligent label including a radio frequency transponder (242; col 12, lines 60-61) coupled to a fingerprint sensor system, and a thin sheeted substrate 202, 203, the radio frequency transponder (242; col 12, lines 60-61) and the fingerprint sensor system 30 being attached to the substrate 202, 203.

5. Claims 53-75 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Toole et al (US 2005/0088314) or Barber et al (US 2004/0140900).

O'Toole et al teach an intelligent label including a radio frequency transponder (paragraph 0261+) coupled to a magnetic field sensing system, and a substrate (par. 0551+), the radio frequency transponder (par. 0261+) and magnetic field sensing system (par. 0261 & 0890+) being attached to the substrate (par. 0551+).

Barber et al teach an intelligent label including a radio frequency transponder 780 coupled to a magnetic field sensing system, and a substrate 710, the radio frequency transponder 780 and magnetic field sensing system 790 being attached to the substrate 710.

6. Claims 53-75 are rejected under 35 U.S.C. 102(b) as being anticipated by Dames et al (Pat. No. 5,815,091).

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Dames et al teach an intelligent label including a radio frequency transponder (col 18, lines 52+) coupled to a magnetic field sensing system, and a substrate (col 6, lines 18-38), the radio frequency transponder (col 18, lines 52+) and magnetic field sensing system (col 30, lines 53+) being attached to the substrate (col 6, lines 18-38).

7. Claims 17, 27-48, 50-52, 76-97 are allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao L. Phan whose telephone number is (571)272-6976. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dao Phan can be reached on (571)272-6979. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DAO PHAN
PATENT EXAMINER